

Wisconsin Juvenile Detention Alternative Initiative Milwaukee County Juvenile Justice System Assessment

Assessment Team

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Introduction

As part of the development of JDAI in Wisconsin, the above referenced team conducted multiple visits to assess the current state of the juvenile justice system in Milwaukee County relative to the eight core strategies. The results of the assessment are intended to provide recommendations to form the development of a twelve month work plan with measurable outcomes to move detention reform forward in Milwaukee County. What follows is based upon two and a half days of interviews with key stakeholders and a review of materials shared with us. It highlights findings as well as recommendations for reform consistent with JDAI's eight core strategies. For organizational purposes, we have grouped these observations in accordance with the core strategies. Please note, however, that the strategies are often closely connected, so what we include underneath one heading may also be relevant to other strategies. The JDAI strategies are:

- | | |
|------------------------------|--|
| 1) Collaboration | 5) Case Processing |
| 2) Data | 6) Special Detention Cases |
| 3) Objective Admissions | 7) Racial, Ethnic and Gender Disparities |
| 4) Alternatives to Detention | 8) Detention Conditions |

Assessment Methodology

The methodology employed in the assessment process is limited to a qualitative analysis, accomplished through the use of interviews with system stakeholders conducted on October 30 and 31, and November 27, 2012. Stakeholder participation in these interviews included county executives, county administration, law enforcement, District Attorney, Public Defender, judiciary, detention staff, intake and assessment, probation, public schools, mental health, and youth serving advocates and agencies. In addition to the interviews, we also reviewed numerous documents describing program and intervention services, detention utilization data, youth assessment materials and other court operational information. The team also toured the Milwaukee County juvenile detention facility.

Acknowledgements

We want to acknowledge the cooperation and assistance we received from everyone we met in Milwaukee County. We appreciate how easy it is for us to make misjudgments based upon insufficient information. To the extent that we do err, please contact us. We

also appreciate that an abbreviated visit such as ours will substantially understate the many strengths and talents characteristic of your system and its personnel.

We are grateful for the assistance we received from everyone in Milwaukee County and to Lindsey Draper, State JDAI Coordinator, and B Thomas Wanta, Delinquency & Court Services Administrator, for arranging the logistics and for ensuring that we were able to cover as much ground during our visits.

I. COLLABORATION

Collaboration through consensus-building allows different agencies, branches of government, and community representatives to devise strategies, new policies and best practices that work to increase the success of youth referred to the juvenile justice system while maintaining or improving the safety of the community.

Collaboration and leadership by multiple agencies and the community is the core governance strategy used by JDAI sites. Without strong authority and leadership to ensure interagency coordination and policy development, comprehensive systemic change for detention reform can become a daunting challenge.

Observations:

Milwaukee County, one of three JDAI replication sites, is the largest and most diverse county in Wisconsin with a population of 947,735 (US Census). A Juvenile Detention Alternatives Initiative replication site in the mid 1990's, Milwaukee County was one of the earliest sites selected to undertake this particular detention reform. Although the county did not remain a JDAI site, it continued to foster the values of community-based intervention and robust data collection. Several current stakeholders were involved in the first effort and are excited to engage detention reform with the Annie E. Casey Foundation (AECF) again. The County's history with JDAI reflects in the stakeholders assembled to provide oversight for the initiative, and in its capacity to collect and generate good data to inform decisions.

Governance Structure

- Milwaukee County completed its resolution formally adopting JDAI as an approved Initiative by the County Board of Supervisors. Engaging County Boards is a crucial initial step to ensure county-wide buy-in and to help engage key stakeholders to participate. Milwaukee County adopts JDAI to reduce the "reliance on confinement of youth while maintaining or improving public safety, and to implement system reform strategies" as resolved by the Board.
- Two (2) County Board Supervisors whose districts comprise communities where many court-involved youth reside will actively participate on the JDAI governance body. Both were interviewed and have a history of advocating for court-involved youth. As members of the 18-body County Board of Supervisors (10 city of Milwaukee districts / 8 Suburban districts) they carry the responsibility of making policy, and fiscal oversight, including the budgets for detention and adult jail operations.

- Milwaukee County Board's Health and Human Needs Committee is responsible for approving alternative programming for youth. Many of the system leadership currently sit on the Health and Human Needs Committee and offered that JDAI will reside in this committee.
- Many of the stakeholders who attended the Kick-Off meeting and/or interviewed seemed prepared to participate as needed. Much of the work currently falls on the Delinquency and Court Services Division (DCSD) administrative staff. Many governance level stakeholders are department and agency department heads. These positional roles enable key stakeholders to engage staff to participate on sub work groups. Given the diversity and level of stakeholders assembled, Milwaukee County is poised well to deploy staff to address focus areas.
- Milwaukee County stakeholders varied in their knowledge about JDAI and its core strategies ranging from very little to a basic overall understanding of its principles. Several stakeholders have attended JDAI Inter-Site Conferences in the past. Disparate levels of understanding about JDAI correlate with individual/agency expectations of JDAI's impact on the current system.
- Milwaukee has an impressive roster of stakeholders committed to the success of JDAI. In addition to the two County Board members, other members include the Presiding Juvenile Judge, the District Attorney, County Executive, First Assistant Public Defender's office, Director Milwaukee City Public School (MPS), Assistant Chief of Milwaukee City Police Department, County Executive Deputy Chief, Director Human Services, DCSD Administrator, and Presidents and Executive Directors of community-based organizations. All cited a desire to see better outcomes for court-involved youth across all youth-serving systems.
- Stakeholders are concerned about the overrepresentation of youth of color admitted to detention. County data shared at the Kick-Off meeting sparked a lively discussion among stakeholders on the disparities connected to particular charges and admissions reasons. During the meeting some stakeholders challenged each other on decisions that produce apparent disparities. This sort of deliberation by stakeholders is required to produce effective and sustainable reforms. Stakeholders must be prepared to actively participate in difficult discussions that challenge the status quo. Milwaukee County Stakeholders seemed ready and open to pushing each other.
- While there are sufficient diverse voices at the table to commence the Initiative, there are stakeholders who are missing. For example, the Wauwatosa School District (WSD) operates the educational program in detention, but was neither interviewed nor participated in either presentation meetings. Most of the youth detained at the detention center reside in the city of Milwaukee where they attend public schools, and are likely to re-enter the district upon release from the center. The MPS school district is represented by the Director of Safe Schools / Healthy Students in the Collaborative and actively participates in the leadership. MPS places a high priority on re-entry issues for youth returning to the community, but there does not appear to be

any formal relationship between MPS and WPS to ensure youth are given smooth transition back to their home districts.

- Milwaukee County, generally, and the Delinquency and Court Services Division (DCSD), more especially, have a long history of working collaboratively across juvenile justice and human services systems to create programs. All of the community-based stakeholders interviewed have contracts with the county to provide services to a wide array of youth. The partnerships between agencies and systems have developed symbiotic processes.
- Several stakeholders felt that a comprehensive communications strategy would help promote JDAI in the county. The importance of a good communications plan and work group was highlighted during the Kick-off and resonated with individuals.
- There are concerted efforts to shift both judicial and court services philosophy away from reliance on secure detention and institutional placement for less serious juvenile offenders to more treatment oriented responses. To that end, DCSD introduced evidence-based practices with its staff. Concurrently, DCSD became a JDAI replication site through the Annie E. Casey Foundation (AECF) and a Juvenile Justice Reform and Reinvestment Demonstration Program site through a grant from OJJDP. The OJJDP grant focuses on developing, implementing and testing an integrated scorecard tool to realign how decisions are made about resources and services for youth in or at risk of entering the juvenile system based on evidence of impact and cost-effectiveness. These three initiatives, JDAI, Evidence-based Practices and the OJJDP grant, will challenge the County to 1) embrace new ways of thinking; 2) change operational procedure and practice, and 3) engage in much ongoing planning to achieve results. To do all these things during the same general time span may be difficult.

Authority

- The JDAI Community Advisory Committee/Juvenile Justice Standing Committee of the Milwaukee County Community Justice Council is recognized by stakeholders as the key governance body for JDAI governance oversight. This is a large body of 20 plus members who represent the key system stakeholders required to provide leadership and authority to implement detention reform changes. They have the formal recognition, authority, influence and decision making capacity at their respective agency, and a history of working together. The Presiding Children's Court Judge will co-chair this work with the Administrator of DCSD who also functions as Milwaukee County's JDAI Coordinator.

Purpose of Detention / Special Consideration

- Milwaukee does not have a formally agreed upon purpose of detention. There are varied perspectives on the purpose of secure detention including placement of "high need" youth in secure detention. When provided the JDAI model purpose, there was general acceptance from stakeholders that detention should be reserved for youth who 1) exhibit a public safety risk or 2)

risk failure to appear for their next court hearing. The variant and contradictory perspective on the purpose of secure detention is borne out of many stakeholders' desire to limit the number of youth placed in state-run juvenile corrections institutions (JCI).

- Milwaukee County recently reversed its practice of sending high risk / high need youth to residential secure facilities run by the Division of Corrections (DOC). In 2011 Milwaukee County made 167 commitments, its second lowest rate in recent years. Fifty-five percent (55%) of all commitments to JCI's statewide were from the county at a sizeable cost to the community.
- For many years Department of Corrections (DOC) maintained five (5) institutions that serve the needs for more serious and chronic offenders from Wisconsin's 72 counties. In June 2011, after years of declining commitments, the DOC consolidated three of the five facilities, closing Ethan Allen for boys and Southern Oaks for girls. Youth formerly placed at these facilities were referred to Lincoln Hills, a location many miles away from Milwaukee. These closures precipitated discussions to develop a local post disposition program. The lack of confidence in the effectiveness of the state-run facilities, coupled with high costs to the county and long travel distances for families, seemed to affect the decision to create a new treatment program housed at the detention center.
- Comments were mixed from stakeholders about the use of secure detention for post dispositional programs, but all agree that youth are better served in Milwaukee than at Lincoln Hills. In October 2012 Milwaukee began the Milwaukee County Accountability Program (MCAP) to divert youth from JCI. (See Section VIII: Conditions of Confinement)

Age of Majority:

- In the state of Wisconsin, the age of majority is 17 years. The Delinquency and Court Services Division generally works with youth ages 10-16 years old. Youth who commit an offense at age 17 are charged as an adult. Case Managers may continue to supervise youth up to age 21 years old if the case was adjudicated in juvenile court. The age of majority went into effect in 1996 when the 1995 Wisconsin Act 27 was enacted to lower the age of adult from 18 to 17. When the age was lowered, counties reported that 17 year olds were placed with adults.

Recommendations:

1. Identify missing stakeholder representatives in the governing body and any work committees with an emphasis to include more non-traditional stakeholders. Deliberate and establish documents of formal agreement including a memorandum of understanding among all key stakeholder agencies regarding the mission and purpose of reform work. Consider guiding principles for stakeholders that encase the concept of a shared accountability for outcomes.
2. Develop an ongoing strategy for outreach to non-traditional stakeholders from the communities and neighborhoods in which substantial numbers of system-involved youth reside. Their representation is essential at the executive level governing body and in sub-committees as the county begins actual work.

- Balancing the governing body with representation from youth-oriented agencies and the faith community where youth reside, builds a strong governing body and a constituency that can be very productive and supportive of the reform work.
3. New governing collaborative members will need familiarization with the values, principals, goals, strategies of JDAI. Publications such as *Pathways, Two Decades of JDAI, A Progress Report: From Demonstration Project to National Standard; Dangers of Detention*, which are available through the JDAI help desk. Participation in JDAI Fundamentals training is important. It is equally important to develop orientations and trainings that can educate staff and new collaborative members about JDAI as the needs arise.
 4. The first task for the Collaborative after JDAI orientation should be to review the Detention Utilization Study (DUS) and establish, by consensus, the purpose of detention. There are several methods in which this can be accomplished and the executive leadership can consult with the TA/Team Leader to outline the various approaches.
 5. Stakeholders who represent the neighborhoods and communities where the majority of system-involved youth and their families reside comprise another voice missing from the table. There are several community-based stakeholders representing organizations and constituencies that are deeply connected to cultural communities, such as the Running Rebels, but the Collaborative should expand to include more non-traditional stakeholders. Such stakeholders can provide deeper levels of understanding about the neighborhoods where youth reside and insight about resources needed. Expanding the “net of committed stakeholders” enjoins a level of trust and shared accountability for implementing effective detention reforms.
 6. Develop a 12-month work plan incorporating recommendations from the System Assessment and Detention Utilization Study. Identify sub-committees to address specific areas of focus as also informed by JDAI milestones. Make clear work assignments, timeframes and responsible parties.
 7. Consider the formation of a work-group specifically focused on communication strategies to help with the education and recruitment of internal and external stakeholders.

II. DATA

JDAI is a data driven initiative. Data, extracted from all key processes of the system, informs stakeholders of the current operational status of the system, aids in identifying and diagnosing problems, and measures the outcomes of implemented reforms compared to their intended objectives, to determine their effectiveness. While most replication sites already collect many data elements, JDAI sites often need to increase their capacity of quantifying a number of processes in their standard operations in order to more precisely measure certain system functions.

Observations:

- The Milwaukee County data system is capable of analyzing, diagnosing, and monitoring the progress of JDAI. The DCSD, Milwaukee Police Department, Milwaukee Public Schools, the District Attorney’s Office, and community-based organizations all have varying degrees of data capacity. The opportunity to use these data sources to analyze decision points is unique and promising. There are, however, challenges. For example the District

Attorney's Office, the Court Clerk's office and the Office of Justice Assistance all have rich data that could be shared but the systems do not interface, and sharing information is not necessarily convenient or easily accessible.

- DCSD electronic data on case-level related information and other delinquency case-related processes appear substantial. Data are available to dig deeper with attention to race, ethnicity, gender, offense and geography. Intake completes a risk assessment instrument which should include the youth's address. Daily sheets are produced to assess detention and program utilization. Reports can be produced on request but there is not a lot of evidence suggesting data use for analyzing system effectiveness and efficiency, or diagnosing system problems.
- DCSD assigned the Grant Coordinator and an Information Application Specialist as key data team support. These individuals will be extraordinary assets for the planning, implementation and monitoring of detention reform work.
- In 2011 DCSD received 2,514 delinquency division referrals. The number of referrals dropped 36% from 2006 when the department received 3,917 referrals. In 2011 detention admissions totaled 2,773, a decrease of 21% from 2006 detention admissions of 3,507. In 2011 the average daily population (ADP) dropped to 88, a 20% decrease from the ADP in 2006 of 103.
- In 2011 males comprised 85% of detention admissions and females represented 15%. The average length of stay totaled 11.7 days. African American youth represented 84% of all admissions. Law Enforcement had 2,397 new charge referrals of which 1,407 were brought to detention. Most detention admissions were for non-compliant behaviors (violations of rules). Only 37% of admits were for new offenses. The top two most frequent offenses were Armed Robbery (17%) and Robbery Using Force (15%). The remaining 63% represented Warrants (23%), Sanctions (21%), Direct from Court (8%), Orders to Produce (5%), Parole Violations (4%), and Hold for Other Jurisdiction (1%).
- Milwaukee County had on average 142 youth in the juvenile correctional institutions in 2011. This number was down from a 4-year high in 2008 of 263. According to a Public Policy Forum Research Brief (June 2011), the cost per day at these institutions for Milwaukee County was \$275 or more than \$8000 per month based on the most recent data available at the time (year-end:2010).
- Many of the contractual services providing intervention and services for youth and families collect substantial data on their activities and outcomes. These stakeholders stated their willingness to share their outcome data with court services.

Recommendations:

1. Establish a sub-committee subordinate to the governing collaborative to work with the JDAI data technical assistance team to enhance the ability to capture and present relevant data that will inform policies and practices, and produce quarterly and annual statistical reports. This group should include the Site Coordinator, DCSD Information Application Specialist, and court analyst or others who have an aptitude in data analysis.
2. Conduct a Detention Utilization Study to examine the recent trends and use of the detention facility disaggregated by race, ethnicity and gender. The technical assistance team will provide a template to undertake the study. Also, while conducting the study, retrieve specifically identified data from 2011 to be used as the JDAI base year to be compared with subsequent yearly detention reform progress.
3. Work with other replication sites as they examine the capacity for OJA to collect and/or produce other essential data to examine and diagnose other system operations related to JDAI reforms, especially case processing.
4. Special attention should also be given in 2013 to preparing an electronic process to regularly monitor a risk assessment instrument (RAI) for detention – its application, recommended decision by score (release, alternatives, detain) vs. actual decision, and outcomes (re-arrests, failures to appear, alternatives success/failure, etc.). Please refer to Objective Admissions section for more detail on the RAI.
5. Provide an overview of the salient findings in the Detention Utilization Report to the governing body. This study will need to be distilled down to key findings in a manner that is easily understood when presented to the governing body.
6. As data collecting systems are developed, ensure that there is the capacity to disaggregate information by race, ethnicity, gender, geography and offense.
7. Review *Pathways Series #7, By the Numbers: The Role of Data and Information in Detention Reform*, and participate in webinars and conference calls to develop management reports with the Initiative's technical assistance team of consultants.

III. OBJECTIVE ADMISSIONS

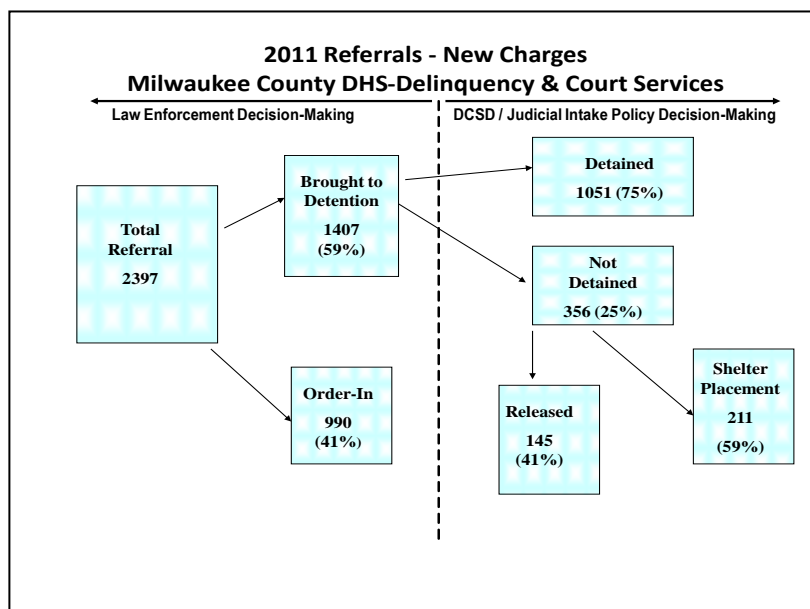
A structured risk screening instrument is an essential tool for bringing objectivity, fairness and consistency to decisions of detaining youth. Instruments that accurately measure the probability of re-arrest for a delinquent act and the likelihood of failing to appear for their hearings across race, ethnicity and gender, ensure that similarly situated youth are treated similarly. Validated instruments have demonstrated that communities require fewer secure detention beds while simultaneously maintaining or improving public safety outcomes.

Observations:

- Milwaukee County DCSD uses a risk assessment instrument at the detention intake center (in the detention facility), that is administered by intake staff as youth are brought to the center by law enforcement. The instrument has been in use for approximately 10 years. The instrument is used for all youth brought to detention and determines if youth will be detained, released to a shelter, or released to home with a court date. Six areas scored include:

- Most serious presenting offense
 - Active Probation / Delinquency/JIPS Petition Status
 - Active CHIPS Petition/Order
 - Number of Prior Delinquency Referrals
 - Active CAPIAS Case Status
 - Special Detention Cases
- Application of the instrument is reviewed routinely by a supervisor. Overrides to detain (up) or release (down) require supervisor approval. The instrument has not been validated, and outcome measures (re-arrest and failure to appear rates) are not known. Initially the instrument was tested for face validity with the judiciary by comparing decisions on test cases before approval was given to implement.
- Youth referred to detention as rule violators for the purpose of serving sanctions and 72 hour holds, are screened and receive an automatic 10 points, the score eligible for admission to secure detention. Youth referred for Capias warrants are screened and receive “warrant” points below secure custody, but still represented the second largest reason for detainment in 2011. Often these admissions create greater levels of racial / ethnic / gender disparities yet when assessed for risk these youth score in the lower risk levels for public safety.
- Based on detention admissions data reported for 2011, 2773 youth were admitted to detention. Thirty-seven (37%) of those admissions were for new law violations.

Three quarters of the law violations were felonies and one quarter misdemeanors. The top two offenses were armed robbery and robbery using force. The remaining 63% of detention intakes were for actions initiated by the system in response to



a variety of non-compliant behavior by youth, and direct detainments from court. The top two categories for non-compliant behavior were warrants 23%, and sanctions, 21%.

- In addition to temporary detainment of youth for delinquent acts, Wisconsin juvenile statutes permit the secure detention of juveniles for a variety of reasons

not defined as a law violation were they adults. Youth may be held, for example, up to 72 hours in secure detention (as either a consequence for a rule infraction and/or while investigating the nature and voracity of an alleged law violation or complaint); as a sanction (for violating conditions imposed by the court, supervision or probation rules); and to serve time (as part of the disposition for an adjudication of what would be a law violation if an adult).

- The Code also permits, in certain situations, the detention of status offenders, i.e., JIPS cases (Juveniles in need of Protection or Services) whose acting out behavior is interpreted by the system to be more a function of youth “willfulness” rather than an abdication or inability to be a responsible parent.

Recommendations:

1. Participate in the detention Risk Assessment Instrument (RAI) training provided by the Annie E. Casey Foundation and invite appropriate system stakeholders in consultation with the Technical Assistance Team.
2. Provide a representative(s) to a state-wide RAI development committee when one is constituted. State-developed RAIs have been found to be extremely effective at discriminating between pre-adjudicated youth likely to re-offend or miss their hearings, and youth who do not commit a new offense and appear for court with high probability, and in local sites of all sizes.
3. Develop local methods to track the application and results of a RAI to individual youth and methods to collect individual outcome data for aggregate analysis (failure to appear and re-arrest) if not already completed.
4. Establish monthly monitoring reports of the RAI’s use (override rate and reasons) and its outcomes as part of the JDAI data management system. This process results in evaluating the use and the effectiveness of the instrument. It also provides a way to assess the efficacy of detention alternatives, those already in place and additional targeted alternatives as they may be developed.
5. Review the *Pathways Series #3, Controlling the Front Gates*, and *Juvenile Detention Risk Assessment, A Practice Guide to Juvenile Detention Reform*.

IV. ALTERNATIVES TO DETENTION

The primary purpose of detention alternatives is to provide alternate forms of supervision and custody for youth who would otherwise be securely detained. The alternative to detention must correspond to the risk the youth presents to re-offend or miss their court appearances. Pre-adjudication detention alternatives are not intended as “treatment” for youth who are eligible for detention, nor are they intended to supervise low-risk youth. Detention alternatives should target medium-risk youth and can also be a way of addressing post-adjudicated youth who may otherwise be sanctioned in secure detention.

Observations:

- DCSD maintains an extensive network of contractual services and programs that both support and/or are the primary provider of certain interventions and services. The services offered include prevention, diversion, supervision support, alternative education, placements, intensive supervision and re-entry support. The services are for pre and post-adjudication youth and their families; however, the overwhelming majority is for post-adjudication.

- Purchased services constitute a key function for the DCSD. As indicated in a public document, “the Division oversees and contracts for a variety of direct and support services”. Specific programs offered include:

Prevention/ Early Intervention	Pre-Adjudicated	Post-Adjudicated
Youth Sports Authority	First Time Juvenile Offender Program	Probation Services New Work
Safe Alternatives for Youth	Inter-Arts Exploration	Sex Offender Treatment
	In Home Monitoring	Target Monitoring Program (Fire Arms)
	Shelter Care	Target Monitoring Program (Chronic Offenders)
		Target Monitoring Program (Burglary Offenders)
		True Aftercare
		Group Home/Foster Care
		Wraparound Milwaukee Program

- Milwaukee Wrap Around, St. Charles Youth and Family Services, Southwest Key, and Running Rebels provide most of the community-based services for the county. The profile of these organizations range from long-standing national and regional non-profit agencies with large budgets to more grassroots based organizations. Each agency offers an array of services and appears to have good relationships with DCSD. Personnel from these agencies are routinely invited to participate in evidence-based trainings with county staff. Several stakeholders mentioned the DCSD sponsored trainings for community-based/ contractual organizations, designed to educate contractual staff about current practices used by DCSD staff. A number of the agencies indicated their staff maintains an office at the Children’s Court Center. Information about services is provided to youth and families on site.
- Service organizations submit weekly and quarterly reports documenting the number of youth enrolled, compliance, progress toward goals and successful completions. Organizations work with thousands of youth annually and collectively.
- Many low-level offending youth seem to cycle through programs. These youth may not require any intervention at all. The System Assessment Team was concerned, as were several providers, that there may be some net-widening through the over-referral to some programs. We did not visit any of the CBO sites or speak to youth participating in programs. Even with an expansive continuum of offerings, systems stakeholders saw a need for more services and a broader network of diversion programs.
- Written materials about programs offered through DCSD appear to be available to the public. The promotion of transparency is good. It enables communities and other stakeholders to be better informed about services available to youth.
- For pre-adjudicated youth Court Services operates an in-home monitoring program and short-term shelter care program for youth described as not needing secure detention but unable to return home immediately. There is a level II program through Southwest Key and St Charles that works with pre disposition cases for 45 days, but appears to be more of an intervention program. The target population, criteria for referral and specific goals were not clear. Slots for level II monitoring=108. Youth served in 2011=820

- Of all youth brought to detention by law enforcement, 10% were released home (some with conditions). Of those remaining, 83% were placed in secure detention and 17% were placed in shelter care. It was also noted that of all youth referred by law enforcement and placed in detention, 25% were for misdemeanor offenses and some of these youth may be appropriate for a high structured detention alternative. (See figure 1. Section III)
- Shelter care is the second most frequently used alternative to detention. Sixty-four (64) slots are available, with 44 designated for males and 20 for females. The county budgets over \$2M for these services.
- Given the enthusiastic support of system and community stakeholders, there is strong commitment to move forward with reform strategies. Having developed a variety of services for intervening with youth under supervision in the community, there are great opportunities to develop a rich continuum of detention alternatives for pre-adjudicated youth, as well as opportunities to create a full response grid with well-structured and beneficial sanctions and rewards for positive accomplishments.

Recommendations

1. Establish a Detention Alternatives work group that should begin its work by surveying intake, case managers and probation staff for feedback on current alternatives and any need to modify or expand the continuum of detention alternatives.
2. If not already in place, develop data collection systems to capture elements that measure effectiveness of the various secure detention alternatives for pre and post adjudicated youth, and for any sanctions programs that are not yet set up for outcome reports. In addition to the regular outcome data (re-arrest and failure-to-appear, examine the proximity to the neighborhoods where youth live, the ability of staff to relate to the youth they serve, the degree to which activities and the environment reflect the cultural and racial/ethnic background of the youth enrolled, etc. All quantitative data should be disaggregated by race, ethnicity, gender, geography and offense.
3. Conduct a Detention Utilization Study to examine the reasons and type of youth in detention. Review the study and identify categories of offenses and youth who might be eligible for release to existing alternatives, and those that would be eligible if certain additional structure and accountability processes were created.
4. Given the variety of post dispositional programming, consider adding pre-dispositional responses as alternatives to detention. Examples can be pre-adjudication day and evening report centers, alternative programs for suspended or expelled youth, and “trackers” to support and supervise youth.
5. Special consideration should be given to locating alternative programs in neighborhoods and communities where many of the youth who will use the alternative live.
6. Develop a process to determine if the targeted risk level for youth matches the corresponding level of alternatives and if the programming is culturally appropriate. Develop a clear structured decision-making tool for guiding decisions in matching pre-adjudicated youth with the right alternative in the continuum of alternatives. Be cautious not to widen the net by targeting youth populations who would otherwise be in custody.

7. The Alternatives work group, and other stakeholders who are involved in developing alternatives, need to be informed of the JDAI principles associated with an alternatives continuum and are referred to *Pathway Series #4: Consider the Alternatives*.

V. CASE PROCESSING

Reducing unnecessary delays in case processing is essential to limiting lengths of stay in detention, ensuring efficient use of non-secure alternatives, and achieving good failure-to-appear and re-arrest rates. There are specific court practices and policies that are directly relevant to detention reform goals, but also serve to establish a culture of efficiency, timeliness and accountability.

Observations:

- Detained cases have a statutory case processing time frame that mandates that they are completed within 45 days of the initial filing. Each court process tract is proscribed in the statute. Out-of-custody and alternative-to-detention cases are a problem with regard to case processing standards. These cases can take up to 180 days based upon stakeholder comments. The time frames for completion of in-custody cases can be tightened, and can be achieved from a variety of approaches that can, in total, substantially reduce case processing time.
- Obtaining police reports, especially from suburban departments, was reported as challenging. The ability to evaluate cases and to provide discovery to the defense are affected by these delays. There were approximately 1775 filings in the DA's Office in 2011 where seven attorneys handled these cases. The prosecutor's office has a first-time offender deferral program that has been successful and reduces some of the workload.
- Most youth obtain legal counsel through the Public Defender's (PD) Office. Approximately eighteen attorneys in the PD's office are assigned to handle juvenile cases. This includes child protection, delinquency, JIPS and mental health commitments. Average caseloads for PD staff attorneys are approximately 40-45 cases. The PD's Office receives notice of youth held in detention by 11:00 am. As reported by the PD stakeholder, this does not permit sufficient time for attorneys to meet with the youth prior to the detention hearing.
- There are approximately 20 law enforcement agencies in the county and their operations are not handled consistently across the county. Each department decides when youth will be brought to the detention center.
- Based on various stakeholder interviews, youth admitted to detention always meet the 48-hour detention hearing statutory requirement. The next required event is at the 10th day for a plea hearing, and then a trial (if no plea) by the 30th day. Psychological evaluations are frequently requested or ordered which delay trial dates, as well as the availability of defense counsel at times. Stakeholder observations indicated that, in practice, detained youth take about 80 to 90 days for adjudication and an additional 10 days for the dispositional hearing to occur.
- In 2011 the average length of stay (ALOS) for all youth held in detention was 11.7 days. African American youth had the longest ALOS in most categories for

detention admissions. ALOS for AA females detained by the court was 15 days in 2011. The following categories had the longest ALOS for all youth excluding new charges:

- Warrants = 12.6 days
- Violation Non-Secure Order= 12.1
- Detained from Court =11.5 days

Recommendations:

1. In view of the longer case processing time frames and their interconnectedness with other reform strategies, some assessing and deliberation should be given to case processing reform as the governing collaborative develops its first year work plan.
2. Additionally, easily implemented reforms should always be addressed quickly when identified. Consider conducting pre-sentencing reports concurrently with the adjudication process. Disposition can proceed the same day as trial or plea.
3. Provide earlier notification to the Public Defender's Office of newly admitted youth and their detention hearings. Although a daily list is generated with detention and scheduled court hearings for youth, the timing and distribution of this list should be reviewed and adjusted as necessary.
4. Establish expedited dockets for court rule violations to move these cases through quickly. Rule violations are generally the least complicated cases to prosecute and can be quickly adjudicated, with youth receiving the intervention services needed.
5. Examine the capacity for the District Attorney's Office to develop an electronic systems interface with the Milwaukee Police Department to permit police offense reports to be sent electronically to the District Attorney's Office eliminating delayed offense reports. The systems are currently incompatible and this would speed up filings and especially discovery problems, which were reported to be challenging.
6. Begin setting up processes for collecting case processing data along with mapping decision points. Determining the average time between events is preparatory to diagnosing problem areas and proposing changes, and should be considered this year or early next year.
7. The work group for case processing, when constituted, should be established with representatives from the District Attorney's Office, defense bar, police, case managers and the Court. The group should begin developing a work agenda and plans that include an examination of all points where delays occur, and develop ways to streamline. Examine policies and procedures and eliminate or change activities that cause unnecessary delay.
8. Review national case processing standards such as those through the National Council of Juvenile and Family Court Judges; review *Pathways 5. Reducing unnecessary Delay: Innovations in Case Processing*.

VI. SPECIAL DETENTION CASES

Special detention cases include youth who are detained for violations of probation (VOP), for warrants or writs, and pending placement cases. In some jurisdiction these cases can be unique but they all have in common the characteristic that they do not respond to the usual reform strategies. Typically, on any given day across the nation, special detention cases comprise anywhere from 10 to 30 percent of detention bed

space. Technical violations of probation and warrants are usually the result of youth breaking rules and angering adults, but do not pose a risk to public safety. Experience has shown that many of these youth are low-risk but present high needs. Effective management of this population involves policy and program innovations that safely reduce the presence of these youth in secure detention facilities.

Observations:

- A substantial number of youth are in secure detention for warrants (23%), sanctions (21%), misdemeanor offenses (9%), and directly from court (8%), during 2011. The second biggest user of detention bed days are youth detained on warrants.
- The Delinquency and Courts Services Division (DCSD) does not yet have a sanctions or response grid for responding to rule violations, but plans to develop one this year. The department does use the Youth Assessment Screening Test (YASI) to determine the risk levels of supervision for youth.
- There is good data collection capacity to evaluate these populations and for any programs or services that may be developed to reduce the use of detention.
- As documented earlier, there is a broad continuum of intervention programs and services. Based on stakeholder comments, there may be an opportunity to expand the use of some services to respond more effectively and efficiently to special detention cases.
- In January 2012, Milwaukee initiated the FTA Capias Abatement Project to reduce the number of FTA warrant detention admissions. Face-to-face contact with the youth and/ or family is attempted. Bus tickets are available to youth and families to avoid barriers associated with transportation. Fifty-nine referrals were made and resulted in a 70% contact rate. Of all cases attempted 61% of youth attended their court hearing. Of the cases where youth were actually contacted, 71% of the youth appeared for court. Many JDAI sites engage this strategy to reduce warrants.

Probation Violations and other Sanctions

Milwaukee County does not issue “probation violations” as many jurisdictions do throughout the country. Youth typically are admitted to detention for violations of the court order through a series of categories such as 72 hour hold or short term holds (STH), violations of in-home monitoring Sanctions, Parole, direct detainments from court, and JIPS. These categories replace the general category of probation violations, but operate as sanctions that detain supervised youth nevertheless. To some degree, the categories can obscure the actions of the system to detain youth, creating confusion for the youth and community about why a youth is being admitted to detention.

Recommendations:

1. To help diagnose any disparity issues and guide reform efforts, data from the Detention Utilization Study should be disaggregated by subgroups of warrants, writs, sanctions, temporary holds and home detention violations by length of stay and race, ethnicity, gender, geography and offense.

2. Stakeholders should carefully analyze and evaluate the sanctions grid they implement for consistent application by users, determine the need to create additional relevant responses. Also consider shifting to a response grid that has both rewards and sanctions for youth. It is equally important to incorporate a reward system for positive accomplishments on probation.
3. A stakeholder work group should also examine the practice of requesting Capias warrants. Many jurisdictions find that youth picked up on warrants are returned to the same level of custody and supervision as existed when the warrant was issued. The task is to create other effective and efficient methods to accomplish the purpose of the warrant without placing the youth in detention or, in some sub population categories, not issuing a warrant.
4. Review *Pathways Series 9, Special Detention Cases: Strategies for Handling Difficult Populations*.

VII. REDUCING RACIAL AND ETHNIC DISPARITIES

Reducing racial and ethnic disparities in the juvenile justice system is a core strategy of JDAI that requires strong leadership and political will from key system stakeholders and places a “racial lens” on all of the reform work. This lens requires current and future policies and practices to be scrutinized to determine whether they create a disparate impact on youth of color. While there are many factors beyond the scope of the juvenile justice system that influence the disparate detention rates for youth of color, the decision to detain remains a significant entry point into deeper penetration into the system. A fundamental principle of equity is that system stakeholders take responsibility to actively address racial / ethnic disparities and disproportion at all decision points within the juvenile justice system.

Observations:

- Milwaukee County data reported for 2011 indicate challenges related to racial/ethnic and gender disparities. Stakeholders are deeply concerned at the level to which African American youth penetrate the juvenile justice system. While some stakeholders cite poverty as a culprit for the disparities, most recognize that a significant portion of the disparities exhibited in the data may be driven by decisions within the juvenile justice system that unintentionally drive these results. Stakeholders may want to add DMC/ RED as a focus in their mission statements and MOU's.
- The estimated youth population in Milwaukee County is 236,933. The minority race/ethnicity representation is 27% African American, 14% Hispanic/Latino, 4% Asian, and 1% American Indian/Alaskan Native, and 1% Hawaiian or Pacific Islander.
- A review of admissions to the juvenile detention facility for 2011 indicated 84% African American; 8% Hispanic / Latino; and 8% Caucasian. Other race / ethnic groups were not represented. The total representation of youth of color admitted to detention in 2011 is 92%.
- The average length of stay in detention for 2011 was 11.7 days for all admissions. Average length of stays in detention for youth differed by race/ethnicity, with African American and Hispanic/Latino male youth having the longest average length of stays across all detention reasons except one. The

same holds true for females. The stays for new offenses showed the most difference with African American and Hispanic/Latino male youth staying longer than their White counterparts, 19.3, 17.2, and 13.0 days respectively.

Recommendations:

1. The Casey Foundation provides all JDAI sites with training on the reduction of racial/ethnic disparities during their first or second year as a replication site. At that time carefully select stakeholders to attend the training.
2. The governing collaborative will need to define what constitutes progress in reducing racial and ethnic disparities in the system. Members should jointly review and discuss the Detention Utilization Study.
3. Preparatory to this discussion, members should read *Pathways Series 8, Reducing Racial Disparities in Juvenile Detention* and *JDAI Policy Brief #3*. Also, suggested is *Adoration of the Question: Reflections on the Failure to reduce Racial & Ethnic Disparities in the Juvenile Justice System* and *The Keeper and the Kept: Local Obstacles to Disparities Reduction in Juvenile Justice Systems*, available at www.jdaihelpdesk.org
4. Constitute a work group comprised of broad based stakeholders, especially reflective of the racial/ethnic groups of youth that are overrepresented in the system. Develop an intentional work plan after an analysis and interpretation of the system operations (policies and practices) that have unintended disparate impact on youth of color. As system reforms are implemented, data should be collected to measure achievement of intended outcomes. Alternatives to detention should be developed to reflect the racial / ethnic detention population that will be admitted into the alternatives.
5. After implementation of an effective risk instrument and targeted detention alternatives, other processes, such as issuing warrants, provide quick changes racial/ethnic and gender disparities in detention. A thorough analysis of the processes for issuing warrants and writs is a first start, as well as the use of detention for probations violations.

VIII. CONDITIONS OF CONFINEMENT

While much of JDAI focuses on reducing inappropriate and unnecessary detention of youth, there are youth who need secure detention to protect public safety. Therefore, detention reform requires the assessment and improvement of conditions of confinement. A core value of JDAI is that youth who are detained must be held in conditions that meet constitutional and statutory legal requirements, and best professional standard of practice.

Observations:

- The Assessment Team toured the detention facility which has a rated capacity of 120 beds, budgeted for 109 beds, and an average daily population in 2011 of 89.2. The facility has not experienced any overcrowding in its recent history although the ADP has been close to budgeted capacity within the last five years.
- Meals are brought into the facility by a vendor and warmed and delivered to the common areas in the pods or units where the youth eat. Apparently no cooking occurs in their kitchen.

- Dental care was made available to youth while in detention through contractual arrangement. Stakeholders were pleased to provide this service for youth who often do not have dental coverage
- The intake unit is within the detention secured area and accessible by law enforcement through a sally-port. The unit is staffed 24 hours a day, seven days a week. Intake staff administer their screening instrument and have authority to detain, release to parents or to self (if age 15), or to shelter care.
- Detention staff is trained in physical restraint and de-escalation techniques provided by internal staff certified in a particular model. There is also a restraint chair and restraint bed for youth showing extreme behavior and not responding to other techniques. Supervisory approval is required before use, which staff reported to be about once a month for the chair and the bed infrequently.
- The detention center staff did not discuss external audits or evaluations conducted at the center, although the administration stated there were regular audits by state and local government.
- The school program is provided by the Wauwatosa School District during the morning and afternoon. Comments made during interviews suggest there may be school credit issues upon release as the majority of youth in detention are from the Milwaukee School District.
- The Milwaukee County Accountability Program (MCAP) was added at the end of 2012 as an “alternative to Juvenile Corrections”, and is situated in the detention facility. The primary impetus for developing the program involves multiple issues provoked by the consolidation of the Juvenile Correctional Institutions: It 1) establishes a local treatment program that eliminates lengthy travel by parents to visit their child and keeps local involvement; 2) reduces county costs which pays a per diem for each youth referred; and 3) eliminates concerns about the quality of programming at the facilities.
- In MCAP Community Agencies provide services to youth housed in the detention center and when youth return to the community in later phases of the program. Youth are initially placed in secure detention for up to five months then move to less secure settings with aftercare supervision based on their successful progress. Youth are housed separately from standard detention youth. The program lasts a minimum of one year. Recommendations are made by DCSD and the District Attorney's Office. At the time of the interviews one youth had been referred. The target population is defined as male youth who are being considered for placement in Juvenile Correctional Facilities. Eligible youth may present one of the following conditions:
 - Youth on probation
 - who have violated conditions of a court order; AND/OR
 - who have committed a new offense
 - Youth not on probation who have a pending new offense charge that could lead to placement in a Correctional Facility

Recommendations:

1. Determine if the current physical management and de-escalation model meets detention needs through an evaluation of the model and training. Also conduct a search of other methods used by detention centers. Shift to (other) best practice models if indicated, and eliminate the restraint chair and bed.
2. Improved food quality, access to privileges and incentives and commissary should be considered.
3. Establish a team to participate in the JDAI sponsored facility assessment training. The composition of the team should be established as suggested in the *Guidelines for the JDAI Self-Inspection: Planning, Conducting and Reporting*. This is accessible at www.idaihelpdesk.com.
4. Upon completion of the training, conduct the detention facility assessment and follow the recommendations of the final report.
5. We applaud the intent to reduce the likelihood of deep end commitments for youth, but we recommend system operators and stakeholders review the efficacy of locating the residential phases of the MCAP treatment program in secure detention. Reducing costs while keeping parents and the local system connected with these youth is a vitally important goal. However, operating a treatment program in a detention facility designed for temporary maximum security stays exposes youth to the same adverse impacts and outcomes documented in the literature, and now for longer periods. Work with the JDAI technical assistance team to provide technical experts in deep-end treatment to facilitate an assessment of the program.